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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,821	03/19/2004	Bruce D. Nelson	14628.3USU1	7103

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EXAMINER

BASINGER, SHERMAN D

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,821

Applicant(s)

NELSON, BRUCE D.

Examiner

Sherman D. Basinger

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-19 and 26 is/are allowed.
- 6) ☒ Claim(s) 1,3-14,20-25 and 27 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/3/04&7/12/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Oath/Declaration

1. The declaration filed under 37 C.F.R. 1.63 in response to the notice of a missing or unsigned declaration has been received.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 421 of page 8, line 28 is not in the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 4, 5, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Faidi.

The inflatable portion is 68 of figure 14, the flexible water impervious lower sheet section is 34, the moveable afts section is disclosed in column 7, lines 11-14, that the gate is u-shaped is shown for example in figure 13, the air bladder and air pump can be 60 and 64 of figure 13, the undershield is sump 40, proof that the lower sheet material is made from buoyant material is provided by the use of ballast weights 46 and the molding of small pieces of plastic into the inner skin of the bag, and the check valve is provided by the sump pump 42.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Faidi in view of Wiswell, Jr.

Faidi does not disclose the one vertically oriented guidepost that provides a visual reference to positioning the watercraft in the watercraft storage apparatus. Note the guideposts 19 of Wiswell, Jr. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide guidepost similar to 19 of Wiswell, Jr. to the ends of the inflatable tube 68 of Faidi. Motivation to do so is to provide guidepost to secure the ends of tube 68 together as taught by Wiswell, Jr. Better securement of the boat in the apparatus will result.

6. Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faidi in view of EP 360 436.

Faidi does not disclose sheet 34 as being embedded with a biocide. Note in EP 436 page 5, lines 35-45. In view of this teaching of EP 436, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide the sheet 34 of Faidi with embedded biocide.

Motivation to do so is found in lines 35-45 of page 5 of EP 436.

The material of sheet 34 of Faidi is considered to be puncture and abrasion resistant. However, the seams of sheet 34 of Faidi are not RF welded; instead clasps 25 are used to secure the sheet to the frame. EP 436 discloses the use of welding to attach sheet material to his envelope. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to use welding in place of clasps 25 to form a seam to secure the sheet 34 of Faidi to the frame. One type of well know welding for plastics if RF welding. Motivation to do so is to better secure the sheet to the frame.

7. Claims 10, 12-14 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faidi in view of Wood.

Faidi does not disclose the sheet 34 being detachable from the inflatable portion and gate. Wood discloses his sheet B being detachable from portion 10 with the use of tubing elements 54. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to make the sheet 34 of Faidi be detachable from the inflatable portion and gate with the use of

elements similar to elements 54 of Wood. Motivation to do so is found in Wood column 3, lines 39-42.

The elements similar to 54 of Wood provided to Faidi would be the rub guards of claim 12.

Faidi does not disclose wherein the inflatable portion has a cylindrical cross-section between about 6.0 to 18.0 inches in diameter or wherein the inflatable portion has a cylindrical cross-section at least 9 inches or more in diameter.

Wood discloses a cylindrical cross-section of the elements 10. In view of this teaching it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to make the inflatable portion 68 of Faidi cylindrical. Motivation to do so is to make the inflatable portion easier to manufacture. It would be easier to manufacture a cylindrical inflatable member than to manufacture an inflatable member with a rectangular to square cross section.

To make the inflatable portion of Faidi as modified by Wood with a cylindrical cross-section between about 6.0 to 18.0 inches in diameter or with a cylindrical cross-section at least 9 inches or more in diameter would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. The choice of the diameter of the inflatable portion is based upon the amount of floatation it is to provide, the materials used to make it and the weight of the sheet to be supported. Making the diameter 9 inches would allow the inflatable portion to

provide a sufficient amount of buoyancy and would also make it easier to loop the sheet about the inflatable portion for securement of the sheet to the inflatable portion.

The detachable mounting arrangement of claim 22 would be provided to Faidi in view of elements 54 of Wood.

The peripheral flap of claim 23 would be provided to Faidi in view of the peripheral flap of Wood shown in figure 4. The peripheral flap of figure 4 of Wood is the free end of the bag B. In making the sheet of Faidi detachable to the inflatable portion 68 of Faidi in the manner taught by Wood, a peripheral flap similar to that of Wood would be provided to the sheet when it is detachable secured to the inflatable portion 68 of Faidi with elements similar to 54 of Wood.

To provide grommets of hook and loop fastener material to the flap would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Faidi teaches the use of clamps 25 to fasten the sheet to the inflatable portion after the sheet has been looped around it. Grommets and hoop and loop fastener are merely different fasteners than clamps 25. To choose using a grommet or hook and loop fastener over clamps 25 would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Motivation to do so is in the case of hook and loop fasteners, separation of the flap free end from the remainder of the sheet 34 of Faidi would be much quicker. Motivation to provide grommets is to allow the use of a line to fasten the free end of the flap to the remainder of the sheet.

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8. Claims 20 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faidi in view of Jackson 822.

Faidi does not disclose the inflatable portion defining a maximum outside dimension greater than a maximum width defined by the sides of the watercraft, the inflatable portion defining a minimum inside dimension less than the maximum width defined by the sides of the watercraft and positioning the watercraft within the inner area such that each side of the watercraft has an inflatable portion of the inflatable apparatus disposed directly under the widest portion of the side of the watercraft, and a water impervious sheet is positioned beneath all portions of the hull of the watercraft.

In Jackson 822 the inflatable portion 6 defines a maximum outside dimension greater than a maximum width defined by the sides of the watercraft, the inflatable portion 6 defines a minimum inside dimension less than the maximum width defined by the sides of the watercraft and the watercraft is positioned within the inner area such that each side of the watercraft has an inflatable portion of the inflatable apparatus disposed directly under the widest portion of the side of the watercraft, and a water impervious sheet is positioned beneath all portions of the hull of the watercraft.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains in view of the teachings of Jackson to design the inflatable portion 68 of Faidi or to use a boat of such dimensions in the apparatus of figure 14 of Faidi such that the inflatable portion 68 defines a maximum outside

dimension greater than a maximum width defined by the sides of the watercraft, the inflatable portion 68 defines a minimum inside dimension less than the maximum width defined by the sides of the watercraft and the watercraft is positioned within the inner area such that each side of the watercraft has an inflatable portion of the inflatable apparatus disposed directly under the widest portion of the side of the watercraft, and the water impervious sheet 34 is positioned beneath all portions of the hull of the watercraft. Again, these parameters are dependent on the size of the watercraft used in the apparatus, or on the size of the apparatus. Motivation to make the above modifications to Faidi is to locate the inflatable portion close to the boat so that it can be easily reached if need be, or to use a much larger boat in the apparatus of Faidi than that being disclosed.

9. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Faidi and Jackson as applied to claim 20 above, and further in view of Wood as combined with Faidi in paragraph 7.

Allowable Subject Matter

10. Claims 15-19 and 26 are allowed.


11. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 703-308-1139. The examiner can normally be reached on M-F (6:00-2:30 ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sherman D. Basinger
Primary Examiner
Art Unit 3617
2/3/05

2/3/05